

JUDGMENT

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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NO. 01-35508  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellee

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellants

NO. 01-35545  
CT/AG#: CVv-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellant

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellees

NO. 01-35790  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellee

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant

Defendants - Appellants

and

PAT DETLOFF, Deputy

Defendant

NO. 01-35854  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellant

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE, Deputy; ALLEN ALDERMAN, Sergeant; JULI FITZWATER, Deputy; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellees

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APPEAL FROM the United States District Court for the

District of Oregon (Portland)

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the District of Oregon (Portland) and was duly submitted.

FILED SEP 25 2003 USDC-OR

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED in part, REVERSED and REMANDED in part.

**COSTS TAXED**

Filed and entered                    August 20, 2003  
Amended                                August 29, 2003

A TRUE COPY  
ATTEST

CATHY CATTERSON  
Clerk of Court

by: Ruben Talavera  
Deputy Clerk

This certification does constitute the mandate of the court.

FILED SEP 25 2003

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**BILL OF COSTS**

For Official Use Only

**NOTE:** If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service.

within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

The Clerk is requested to tax the following costs against:

39  
04  
56  
99

**Other:** Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

\* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.  
\*\* Costs near name may not exceed 20¢ or actual cost whichever is less. Circuit Rule 39-1.

Helen T. Diaz, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed. The printer's itemized statement showing actual costs per page is attached.

Signature: Helen J. Kozmala Date: 9/2/2003

Name of Counsel (printed or typed) Helen T. Dziuba

Date: 9-22-03

Costs are taxed in the amount of \$ 415.99

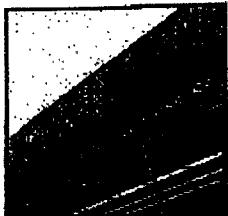
Clerk of Court

By: Ruben Talavera, Deputy Clerk

U.S. COURT OF APPEALS  
CATHERINE A. CATTERSON, CLERK

COPY

A TRUE COPY  
ATTEST  
  
CATHY CATTERSON  
Clerk of Court  
  
by: Ruben Talavera  
Deputy Clerk  
  
This certification does constitute the  
mandate of the court.



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Invoice Number:

E2468

Invoice Date:

Apr 8, 2002

Page:

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Customer ID: DZIHELE

Job Number	Payment Terms	Ship Date	Sales Rep ID
10360-10359	Net 1st of Next Month	4/8/02	RET-1

Quantity	Item	Description	Amount
9	BRIEF PRINTING	APPELLEE'S SUPPLEMENTAL EXCERPT OF RECORD 71 PP + COVER CARMICHELL BELL V CLACKAMAS COUNTY et al APPELLEE'S ANSWERING & CROSS APPELLANT'S BRIEF 96 PP + COVERS CARMICHELL BELL V CLACKAMAS COUNTY et al	80.70 12.6¢ / pg
26	BRIEF PRINTING		342.55 13.7¢ / pg
1	POSTAGE		95.52

TOTAL 518.77

PLEASE RETAIN THIS INVOICE TO CHECK YOUR STATEMENT AS WE DO NOT ITEMIZE AGAIN.

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Date: 06/06/02 Report No.: 21796-0

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 Salesperson: 142 Page #: 1  
 P.O. #: 10391

Customer #: 10490 Ship-to Address:

HELEN T DZIUBA

765 A AVENUE  
 LAKE OSWEGO OR 97034

HELEN T DZIUBA

765 A AVENUE  
 LAKE OSWEGO OR 97034

Item #	Description	Order Qty.	Ship Qty.	Reg. Price	Disc %	Net Price	Total Price
BRIEF	LAW BRIEF CROSS APPELLANT'S REPLY BRIEF 26 PP + COVER BELL V CLACKAMAS COUNTY	25	25	.000	4.260	16.4¢ / pg	106.50
FREIGHT	SN FREIGHT CHARGES	1	1	.000 EA	24.140		24.14

THANK YOU- PLEASE PAY FROM THIS INVOICE

SUB-TOTAL	130.64
TOTAL	130.64

Terms: Net due 1st of month following date of purchase. Delinquent after 15th. Interest charged on past due accounts.

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Examine shipment promptly and notify us within 10 days of any shortage, damage or incorrect delivery.

**Proof of Service**

I hereby certify that I served the foregoing:

**PLAINTIFF – CROSS-APPELLANT CARMICHELL BELL’S BILL OF COSTS**

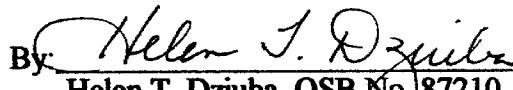
on the attorneys for defendants on **September 2, 2003** by mailing an accurate copy, by first class mail, postage prepaid addressed as follows:

Bradley F. Tellam  
Barran, Liebman, LLP  
Suite 2300  
601 SW Second Avenue  
Portland, OR 97204

Edward S. McGlone III  
Clackamas County Counsel  
906 Main Street  
Oregon City, OR 97045

Dated: SEPTEMBER 2, 2003

LAW OFFICE OF HELEN T. DZIUBA

By   
Helen T. Dziuba, OSB No. 87210  
765 A Avenue  
Lake Oswego, OR 97034  
503-534-5020